

LITTLER MENDELSON, P.C.

A Professional Corporation

Attorneys for Defendants

HOME ON 8TH CORP. (d/b/a Home on 8th), HENRY LI,

JOHN DOE (A/K/A MANAGER LI)

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JIAN F. HE, LAI LEE, YOUNG D. LIN, LIN H. WEI,

Plaintiffs,

-against-

HOME ON 8TH CORP. (d/b/a Home on 8th), HENRY
LI, JOHN DOE (A/K/A MANAGER LI),

Defendants.

No. 09-CV-5630 (GBD)

**MOTION TO BE RELIEVED AS
COUNSEL PURSUANT TO LOCAL
RULE 1.4**

MOTION TO WITHDRAW

Pursuant to Local Rule 1.4, Andrew P. Marks, Elena Paraskevas-Thadani and the firm Littler Mendelson, requests leave of Court to withdraw as counsel for all defendants in the above-referenced matter. The matter is scheduled for trial on Monday.

By letter faxed to Chambers earlier today, as well as in a phone call with Your Honor's Clerk, we advised the Court of defendants' bankruptcy filing and that Littler Mendelson had been relieved as Counsel. We now submit this motion because Plaintiffs' counsel, in her letter requesting to proceed with trial, has informed the Court that Defendant Home on 8th Corp. has not filed a bankruptcy petition and Littler Mendelson has not filed a motion to withdraw as counsel.

Although we understand that the corporate defendant Home on 8th has not filed for bankruptcy, it is our understanding that the bankruptcy court's automatic stay would apply to this

entire action. Further, we have been directed by Home on 8th's principal, now bankrupt-debtor Henry Li, to cease representing the company. It would be virtually impossible to mount an effective defense to the claims against the corporation without the authorization and cooperation of the individual defendant Henry Li.

Ms. Brown argues that this case should proceed because plaintiffs are immigrants, have waited almost two years and expended many resources preparing for trial. As Your Honor may recall, Plaintiffs were informed numerous times of the likelihood of a bankruptcy filing if the matter were not settled. They cannot be surprised that it has now occurred. And, since plaintiffs state their intention to seek relief from the automatic stay and proceed with litigation in against the individuals, it would be a better use of their "many resources" to await the outcome of the Bankruptcy Court petition so that the matter may be tried against all defendants' simultaneously – but likely with other defense counsel.

For these reasons, Littler Mendelson respectfully request that its motion to withdraw as counsel be granted.

Dated: New York, New York
April 28, 2010

Respectfully submitted,

/s/
Andrew P. Marks
Elena Paraskevas-Thadani
Attorneys for Defendants
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CERTIFICATE OF SERVICE

I hereby certify that on April 28, 2011, I filed the attached via the Court's ECF system which sent notice to the following:

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Dated: April 28, 2011
New York, New York

_____/s_____
Elena Paraskevas-Thadani